

HAMILTON COUNTY BOARD OF AVIATION COMMISSIONERS
AUGUST 28, 2003

The Hamilton County Board of Aviation Commissioners met on Thursday, August 28, 2003 at 6:30 pm in the Commissioner's Courtroom in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana.

Roll Call was taken with a quorum declared present of Larry Jacobi, Tim Tolson and Buddy Pylitt. Paul Spranger was absent.

Approval of Minutes

Tim Tolson motioned to approve the July 24, 2003 minutes. Buddy Pylitt seconded. Motion carried unanimously.

President's Report

Terry Airport:

Larry stated on July 25th we applied for \$300,000 of federal funds for reimbursement of the purchase of Terry Airport, acknowledgment of receipt of the application was received on August 5th and the papers arrived August 25th

Maria Muia stated to cover your expenses, 90% from the Federal Government, 5% from the State she submitted a Federal Pay Request in the amount of \$300,000 and a State Pay Request in the amount of \$16,666.67, which has not been awarded yet. Maria will submit the Pay Request so it is there when we receive the Grant. Buddy motioned that Larry Jacobi, as President, be authorized to sign on behalf of the Board to submit the pay requests to the FAA and State. Tim seconded. Motion carried unanimously.

[6:39:19]

Larry stated Brad Beaver has requested information regarding the purchase of Terry Airport. Mr. Howard was unable to be in attendance this evening and prepared a packet of information for Brad and the Board. Brad's specific questions were:

- Exactly what was bought?
- What is under lease
- What is expected from state and federal funds?
- What is expected from Hamilton County funds?
- What is the chain of command?

Larry read Michael Howard's response letter dated August 28, 2003 including a list of the documents included in the packet.

Brad congratulated the Board on their acquisition of Terry Airport. Brad stated he thinks the Board did a great job and he wished to relay to the Board that when they are in Executive Session you are discussing all the details, when you are done with Executive Session you want to be cautious and there is nothing to say. Information is gleaned from the newspaper and by talking to each Board member, but he wants to review what actually happened in an open and public forum. Brad stated he thought Mid-States Engineering supplied a map that was an actual photograph, with the property outlined in yellow. [6:44:28] Buddy stated he came here this evening with an agenda and plans for the evening based upon that agenda and was told we would have a lengthy discussion about the purchase. Buddy stated he has no problem having that discussion, we did pass a 5 minute rule and he does not want to cut Brad off. In the future we need to be more mindful when, how and why we amend the agenda. Buddy motioned to table this discussion. Brad stated that is why he requested to be placed on the agenda. There is a 5 minute rule and if you come up under Miscellaneous Business, that rule would be in effect. If you are on the agenda, he would not think there would be a time limit. He is happy to go to another month. Buddy asked if you anticipate your questions taking a long period of time? Brad stated

probably 10 minutes. Buddy stated he did not bring his file and if you are going to ask questions about the negotiations, he does not have that information with him. Brad asked if he wants to have that discussion with you, how should he go about doing it? Buddy stated this is the proper procedure. Buddy stated he does not speak for the Board, but he did most of the negotiations and if you are going to ask specifics, he does not have any answers tonight. We will try to answer any questions you have tonight. Brad stated he has waited until the airport was bought to ask the questions, he requested to be placed on the agenda, what else was he supposed to do? Buddy stated he is not criticizing Brad, he is telling his fellow Board members that in the future we are not going to do this, as far as he is concerned. He is not going to be told 5 minutes beforehand that you want to spend ½ hour asking me questions, when our lawyer is not here and he is the one who has the answers. Brad asked to do this next month, but he would like to see the pictorial map, it was an overhead shot which had a yellow outline of the property. Buddy stated that was the map the VanSickle's realtor presented during a meeting. Maria Muia stated we have pictures of the airport, but not that particular picture with a yellow outline. Brad stated he would also like to discuss the points as listed on his request. Buddy asked Brad if there are specifics he needs to provide for him? Brad stated no, he is not going to ask for specifics, he wants the big picture. Larry Jacobi stated most of the maps he has seen are paper sized and computer printouts. Larry suggested Brad read through Mike's packet, most of his questions are answered. Brad asked to be put on next month's agenda. Larry J. agreed.

[6:50:01]

Bills

Dan Montgomery presented bills for payment approval:

- Boone County Resource Recovery System - \$312.50 – dumpsters for removal of A-Frame
- David Esslinger - \$1140.00 – Glideslope building
- Andrea Montgomery - \$399.46 – Glideslope building
- Professional Garage Door - \$625.96 – gate repair
- Striplin Airfield & Aviation - \$650.75 – runway light bulbs

ADF is repaired and running. It is Dan's understanding that Ray VanSickle will pay for that repair.

Dan stated he has received a bid to repair two dips in the runway in the amount of \$1,566.00.

Dan received a proposal for troubleshooting the entire runway, not including repairs, material or equipment in an estimated amount of \$3,000 - \$5,000. Michiana Contracting will begin work on the AWAS on Tuesday and with the Board's approval he will begin troubleshooting the runway lights. Larry J. asked when will the AWAS will be up and running? Dan stated it should be installed this Fall and it will be certified in November or December. Larry J. asked if it is still usable, even though it is not certified? Larry Creakbaum stated it will be put on a test basis, it is usable while it is on the test basis.

Buddy stated we passed a motion at the last meeting authorizing a not to exceed amount for the Michiana Contracting. Larry J. agreed.

[6:56:50] Buddy motioned to pay the bills as presented. Tim seconded. Motion carried unanimously.

Mid-States Engineering Bills - \$7,400.00 and \$3,300.00. Buddy motioned to approve payment of the Mid-States Engineering invoices. Tim seconded. Motion carried unanimously.

[6:59:06] Buddy motioned to authorize the use of the Emergency Maintenance Funds in the amount of \$10,000 to be used towards the purchase of the new sign and an additional \$700.00 from the Maintenance Fund for the promotion of the Grand Opening. It is also his understanding that Mr. Howard has personally donated funds towards the Grand Opening. Tim seconded. Motion carried unanimously.

Andrea Montgomery showed the Board a picture of the proposed sign. A variance for the sign has been applied for and it is scheduled for the September 24th Boone County Plan Commission meeting. Andrea stated the Boone County Plan Commission staff's recommendation for the sign variance is favorable. They have talked to the sign company about producing the sign and it may not be completely installed, but it will be there for the unveiling.

Buddy clarified that the sign company requests the sign variance application? Andrea stated yes. Buddy stated by consensus of the Board this design, as presented this evening, is the preferred design. Andrea stated two additional lines were added on the bottom for announcements.

Airport Name

Larry J. stated he met twice with the Hamilton County Council and once with the Hamilton County Board of Commissioners, met with the sign people and met with the Boone County zoning staff. The suggested name for the airport is Indianapolis Executive Airport. The sign will read Indianapolis Executive Airport Owned and Operated by Hamilton County. Buddy stated Carl Winkler has spent a substantial amount of time researching problems and issues and the issue presented during the acquisition was that Terry was confusing because pilots look for Terry, Indiana. There was a huge concern that if we use the name Hamilton County Executive Airport, that Hamilton County, Ohio has a strong presence in the aviation community of Cincinnati and the recommendation was that if we used Hamilton County, it would be used for Cincinnati. Buddy thanked Carl for all of his hard work and input. The Montgomery's and Carl have suggested that we utilize the name Executive Airport because it signifies a more upscale airport with better facilities.

Airport Master Record

Maria presented a copy of the Airport Master Record. Maria stated she will change the name, ownership and addresses. Maria asked if the owner address should stay 11355 E. SR 32? Andrea stated this is the address Ray used, the numbers on the building are 11329. Maria will make that change. Larry asked if the airport identifier will remain the same? Maria stated she would assume it would remain the same. Maria asked if there are any other changes, let her know. She will submit it to INDOT for official submission to the FAA.

[7:11:05] Tim motioned to accept Indianapolis Executive Airport Owned and Operated by Hamilton County as the new airport name. Buddy seconded. Motion carried unanimously.

[7:13:07] Buddy motioned to authorize, on the Board's behalf, the Montgomerys to negotiate and execute the contract to cause the completion of the sign as depicted in the 8x10 glossy as presented. Tim seconded. Motion carried unanimously.

Reception

Andrea stated the reception is scheduled October 11, 2003 from 2-4 pm. The hosts are the Hamilton County Board of Aviation. Andrea asked what the Board wants to call the event? Suggested name – Public Dedication of Indianapolis Executive Airport. Kim is preparing the list of names and addresses. Light refreshments will be served, light music in the background, podium and microphone will be available. Larry J. stated Paul Spranger had suggested using the Centennial logo on the invitation, inform the media and inviting 2 or 3 pilots to do a fly-over. Larry will handle getting additional planes for viewing. Tim asked if the Glider Club could have something on display? Andrea stated yes. Larry suggested inviting the Historical Society.

Zoning

Larry J. stated he, Mike Howard and the Montgomerys met with Boone County zoning officials. There is a meeting scheduled to meet with the Boone County Commissioners on September 15th. Buddy motioned to authorize Larry Jacobi, as President, to work with Mr. Howard and the Boone County Planning staff to request and seek a continuance of the pending special exception application to allow the land use issues associated with the airport to be handled through a

rezone by creating a new airport zoning district, similar to an option previously discussed. Tim seconded. Motion carried unanimously.

New Business

AAI Annual Meeting is scheduled for October 7-9, 2003 at Pokagon State Park. Larry J. and Tim will attend. Buddy motioned to authorize the Board to attend the AAI meeting and housing be paid for. Tim seconded. Motion carried unanimously.

Old Business

Ray VanSickle stated he has contracted to build a storage building, at his current residence, for the items he has stored in the hangars. Ray requested the Board extend his 90 day deadline an additional 60 days so he will not have to move his items twice. Ray offered to pay rent for the additional 60 days. Larry J. asked how large is the hangar your items are stored in currently? Ray stated 50' x 40'. Larry J. stated we will take in under advisement and put it on next month's agenda.

[7:31:47]

Buddy stated he has a concern with Mr. Jon Rodgers. One the eve of our completion of the acquisition he made it very clear to several lawyers involved in the negotiations that if Mr. Rodgers were to continue to keep actively vocalizing matters on your behalf that it was his intention to vote against the acquisition of the airport by Hamilton County. Buddy referred to a letter dated June 12, 2003 sent to you and your wife that he had advised Mr. Andreoli that if Mr. Rodgers was involved in any capacity from this point further that he intended to vote against the acquisition. It was my understanding and belief and a part of the reason that he agreed to vote for the county's acquisition was that once you no longer were the owner of this airport, obviously you have a mortgage to cover what is still due you, that Mr. Rodgers would disappear from our neighborhood. He is daily reminded that he is still actively involved in allegedly representing the owners of that airport. He was told by Mr. Montgomery today that he has received another letter and the county keeps getting faxes from him and every morning I pick up the newspaper and there is Mr. Rodgers quoted about what we are doing, what we are not doing. He has contacted our legal counsel, who is not here tonight, and asked him about our rights and have asked him to explore what remedies we might have against Mr. Rodgers if he keeps interfering and continues to interfere with our business relationship. It is my understanding that he is not a lawyer, he is a resident of the State of California. He is not a owner of real estate in the State of Indiana and he is not authorized by this Board or this County to speak on our behalf or about that airport. Buddy motioned to authorize Larry Jacobi to sign a letter to Mr. Rodgers notifying him to cease and desist. He may do whatever he wants to do in the interest of public aviation, but that he is not at all authorized to in anyway suggest he represents this County or this Board or speaks for this County or this Board. This county and this Board disagrees with what he is saying publicly. Buddy also asked that Larry Jacobi be authorized to send a similar letter to Mr. VanSickle and a similar letter to Mr. Niblick confirming the discussions that he and Mr. Howard had with him yesterday, that Mr. Rodgers does not speak for this Board. He has seen legal opinions that have been rendered or reported in the media by Mr. Rodgers. You are reminded that there is a statute in Indiana that prohibits the practice of law by any unauthorized persons, found at IC-33-1-5-1 and it is a Class B Misdemeanor crime for an individual not authorized to practice law in this State to give advise and practice law. He is not suggesting that Mr. Rodgers is doing that, the reports he gets suggests that he is. As a lawyer he is obligated ethically to report him to law enforcement and the Indiana Supreme Court and he intends to follow that obligation that he has. He wants Ray to understand loud and clear if Mr. Rodgers persists I intend to insure that this Board does everything possible to pursue it's remedies against him and anybody that hired him or is paying him to do what he is doing. He is interfering with our right to run this business. He went to the Web Page today and found numerous references to Mr. Rodgers in zoning matters in the State of

California where reported opinions quote him making improper ex parte contacts with judges about non-issues, raising unmeritorious arguments by a person with no valid interest. He does not represent the owner, if he represents owners of property there, he has a right to do that, but he understands that he in no way suggests he represents this County or this Board. I don't want to meet with him, I don't want to talk to him, I don't want to get any more faxes from him and I don't want to read his name, because if he interferes with our running of this airport, we will pursue all our means we have. Do you understand?

[7:37:30] Ray stated yes he does. He was going to bring up some points and give them to you for your consideration for next month's meeting. Since you brought the subject up he will do it now. He received some animosity towards his consultant, Jon Rodgers, and he thinks he just heard some more. Buddy stated you just heard facts, there is no animosity involved. He is interfering with our contract and he does not speak for this Board, the Council or this County. We own the airport, you have a mortgage – you don't own the airport. Ray stated he understands what you are talking about, but you will find with what he is dealing with is what is in the public record. Buddy stated that is fine. Ray stated that is what he stuck to. If you feel that, ask yourself if he has ever written anything that is false? Buddy stated yes. He wrote a letter suggesting, accused this Board of violating the Open Door Act in allowing Mr. Jacobi to write a letter. He accused Mr. Jacobi of signing a letter that was on forged stationery, which are absolute lies, those were discussed at a public meeting here. Those are two absolute lies. He can do whatever he wants, as long he does not practice law in the state and as long as he does not represent that he has any relationship with this Board or this County. If he does, he will be sued. If you have hired him and paid him, you may find yourself as part of this lawsuit. He is not saying he is or isn't, he is saying if he does in the future and we find out about it he guarantee you that we will vigorously pursue whatever remedies we have. Ray stated he is sorry you feel the way you do. Buddy stated we are trying to deal with and be good neighbors with the people in Boone County. Everytime we go over there they hand us a stack of letters from Mr. Rodgers. He can't have a relationship with those people if we have to fight somebody that we don't know and we did not hire and we don't want speaking for us. That is the reason. Ray stated when he came onboard, the airport had many enemies and for all practical purposes the airport was handcuffed. Rather than appease, he consistently conditioned the airport, Boone County Commissioners, and the neighbors that the airport will be making more noise from more aircraft and noise abatement and other forms of appeasement are neither practical nor reasonable. Mr. Howard was quoted in the newspaper, and he will have to compliment him on what he said, it was very pleasing to Mr. Rodgers, believe it or not, that he came out in a forthright manner and laid Hamilton County's cards on the table. That is all Mr. Rodgers has tried to do, that is that essentially they are going to know that the airport is going to grow and that there will be more noise. Buddy stated that is fine, his only point is that we now own that airport, which is number one. Number two - is that he does not speak for us. Number three – if he interferes with our ability to run a business and we have legal remedies we will pursue them against him, whoever is hiring him and paying him allowing him to interfere with our contract. Ray asked if you are talking for the whole Board? Buddy stated he is speaking for himself [7:41:27] Buddy motioned that the letters that he has suggested be written to Mr. VanSickle placing him on notice, Mr. Rodgers placing him on notice and Mr. Niblick confirming that Mr. Rodgers has no authority to speak on behalf of the County to be authorized to sign those and those be sent out on behalf of the Board. Buddy stated this is a motion authorizing Larry J. to sign the letters. He does not want Mr. Rodgers accusing you of violating the Open Door Law or this Board, again, publicly in the media. He wants to make sure we are doing this appropriately and to satisfy Mr. Rodgers, so he makes that motion. Tim seconded. Tim stated we need a fresh start and that is what Buddy is trying to do, to start off fresh. Ray has had a lot of foresight and he appreciates all his foresight. We would not have this airport if it was not for Ray's foresight, this Board needs to make their decisions on their consultants and Buddy is wanting to get off on a fresh start and clean start and we will clean the slate and start from there. Larry J. stated he has a motion and a second that the President sends a letter of cease and desist to Mr. Rodgers, Mr. VanSickle will get a similar letter. Mr. Niblick will be informed that Mr. Rodgers does not represent Hamilton County or this Board. Motion carried unanimously.

Larry stated one of our main thrusts of our meeting with the FAA was to state that the main reason Hamilton County is buying Terry Airport is to keep it an airport and to keep it a viable airport for use in general aviation. With Ray's leadership in keeping it going and building it through the years you have given us a good start and we hope to take the ball and take it from there. Ray stated he appreciates that and good luck. He is glad to see you met with Mr. Niblick and the Boone County Commissioners, who have been guided by Mr. Rodgers and are on board with you. They are starting to realize that the airport is going to grow and it will make more noise and they need to look at the overall zoning that is around the airport.

Tim thanked Ray for what he has done for aviation for the State of Indiana, for Hamilton County, Boone County and the United States of America during this hard year for aviation and the last several years for aviation. It has been tough times and your dreams are our dreams, we might not see the path exactly the same, but we have the same dreams. Ray stated you are on a learning curve and he is glad to see you are starting to run with it. A lot of us observed you were going to put it on auto-pilot for 2-3 years and with the Estridge Development coming in and being right under the instrument approach and you still have another developer that is wanting to come in and he hopes you can convince the Boone County Commissioners that they put that on hold. There is nothing wrong with people coming in there, but they have to be informed with what they are getting themselves in to. The Boone County Commissioners are starting to understand that.

Sheridan Airport

Brian Myers stated Sheridan Airport is building a 12 unit "T" hangar, which is welcomed addition to the airport. It will be complete by the end of September. There is a waiting list of 8-10 people for the hangars. They have crack filled, seal coated and re-stripped the runway. The State was out looking at the ramp and hopefully they will lend some help with that in the future.

Next Meeting – Thursday, September 25, 2003 at 6:30 pm.

Tim motioned to adjourn. Buddy seconded. Motion carried unanimously.

Larry Jacobi, President

Kim Rauch, Secretary

Date

Date

Present

Larry Jacobi
Tim Tolson
Buddy Pylitt
Jim Wallace
Kim Rauch
Larry Creakbaum
Maria Muia
Dan & Andrea Montgomery
Brad Beaver
Ramon VanSickle
Jeff Apple
Brian Myers
Jeff Melin